



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2006 REGULAR SESSION

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HOUSE BILL NO. 151

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THURSDAY, MARCH 9, 2006

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The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE March 30, 2006  
4:38pm  
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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adler

AN ACT relating to indoor tanning devices.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

1       SECTION 1.   A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO  
2   READ AS FOLLOWS:

3   *As used in Sections 1 to 5 of this Act, unless the context requires otherwise:*

4   *(1) "Cabinet" means the Cabinet for Health and Family Services;*

5   *(2) "Tanning device" means any equipment that emits radiation used for tanning of*  
6       *the skin, such as a sun lamp, tanning booth or tanning bed, and includes any*  
7       *accompanying equipment, such as protective eyewear, timers, and handrails; and*

8   *(3) "Tanning facility" means any place where a tanning device is used for a fee,*  
9       *membership dues, or other compensation.*

10       SECTION 2.   A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO  
11   READ AS FOLLOWS:

12   *(1) Before any person who has reached his or her fourteenth birthday and has not*  
13       *passed his or her eighteenth birthday uses a tanning device, he or she shall give*  
14       *the tanning facility a statement, signed by his or her parent or legal guardian,*  
15       *stating that the parent or legal guardian has read and understood the warnings*  
16       *given by the tanning facility, and that they consent to the minor's use of the*  
17       *tanning device and agree that the minor will use protective eye wear. This*  
18       *parental consent is valid for one (1) calendar year.*

19   *(2) A person under the age of fourteen (14) shall be accompanied by a parent or*  
20       *legal guardian when using a tanning device.*

21       SECTION 3.   A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO  
22   READ AS FOLLOWS:

23   *(1) A tanning facility shall give each customer a written statement pursuant to 21*  
24       *CFR 1040.20. The written statement shall include warnings stating that:*

25       *(a) Failure to use eye protection provided to the customer by the tanning*

- 1 facility may result in damage to the eyes;
- 2 (b) Overexposure to ultraviolet light causes burns;
- 3 (c) Repeated exposure may result in premature aging of the skin and skin
- 4 cancer;
- 5 (d) Abnormal skin sensitivity or burning may be caused by reactions of the
- 6 following to ultraviolet light:
- 7 1. Food;
- 8 2. Cosmetics; or
- 9 3. Medications including, but not limited to;
- 10 a. Tranquilizers;
- 11 b. Diuretics;
- 12 c. Antibiotics;
- 13 d. High blood pressure medicines; or
- 14 e. Birth control pills.
- 15 (e) Any person taking a prescription or over-the-counter drug should consult a
- 16 physician before using a tanning device.
- 17 (2) Each tanning facility shall;
- 18 (a) Maintain the written or electronic consent forms of the parents or
- 19 guardians for a period of not less than two (2) years, and make the forms
- 20 available to cabinet personnel for inspection upon request; and
- 21 (b) Make written or electronic records showing the dates and duration of use of
- 22 a tanning device at the tanning facility by children fourteen (14) years of
- 23 age to eighteen (18) years of age, and maintain those records for a period of
- 24 not less than two (2) years, and make the records available for cabinet or
- 25 health department personnel for inspection upon request.
- 26 (3) Before July 1, 2007, all indoor tanning facilities shall register with the local
- 27 health department in the district or county in which the facility is operating.

1       Registration shall be valid for one (1) year and applicants shall pay a fee of  
2       twenty dollars (\$20) to the district or county health department.

3       SECTION 4. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO  
4       READ AS FOLLOWS:

5       The cabinet shall promulgate administrative regulations as follows:

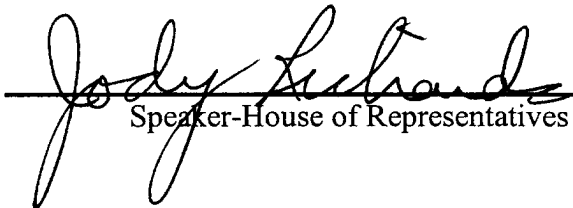
6       (1) Develop a strategy to monitor compliance with 21 CFR 1040.20;

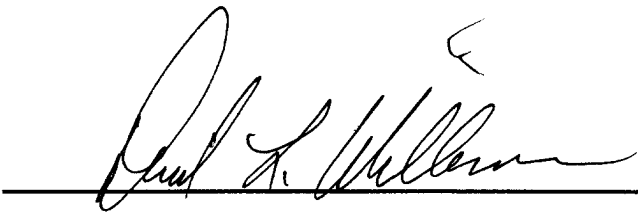
7       (2) Develop forms to assist tanning facilities with record keeping regarding parental  
8       consent, frequency of use by children fourteen (14) to eighteen (18) years of age,  
9       and other forms as needed to implement Sections 1 to 5 of this Act; and

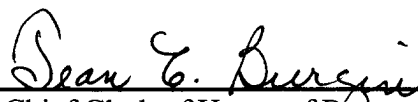
10      (3) Create penalties for violating provisions of Sections 1 to 5 of this Act.

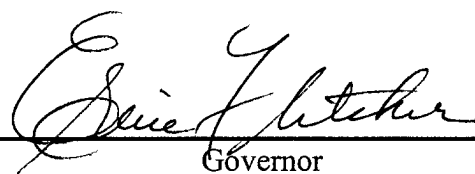
11      SECTION 5. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO  
12      READ AS FOLLOWS:

13      Any administrative hearing conducted under Sections 1 to 5 of this Act shall be  
14      conducted in accordance with KRS Chapter 13B.

  
Speaker-House of Representatives

  
President of the Senate

Attest:   
Chief Clerk of House of Representatives

Approved   
Governor

Date 